

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS

BRENDA COMEAU AND
KENDRA LARKIN ,
Plaintiffs

vs.

O'CHARLEY'S, INC., AND
99 RESTAURANTS, LLC,
Defendants

CIVIL ACTION NO. 05-11088-JLT

PLAINTIFF BRENDA COMEAU'S DISCLOSURE
PURSUANT TO LOCAL RULE 26.1(B)(1)

Now comes the plaintiff and certifies to the court under Local Rule 26.1(B)(2) the following:

1. Itemization of all economic loss and computation of damages for which recovery is sought, if any, sustained before the date of service of process:

(a) Economic Losses - August 23 through May 23, 2005

Comeau estimates her economic losses are at least the following:

Lost salary, wages, tips, (estimated)\$ 11,250
(this amount is not offset by \$3,440 in
unemployment compensation received)

Lost employer contribution to
social security and medicare (estimated).....\$675

Value of lost health insurance, less employee contribution
(estimated)\$ 7,725

Value of lost dental insurance, less employee contribution
(not yet determined)\$100-300

Medical/Counseling and Health Care Expenses.....

NOT YET DETERMINED (most likely less than \$2,000)

Total Economic (approximate).....\$19,750

- b. Emotional Distress.....\$1,000,000.00
 - c. Punitive Damages.....\$9,000,000.00
 - d. reasonable attorney's fees, interest and costs -
to be determined by the court.
2. All persons known to the plaintiff who witnesses the transaction or occurrence giving rise to the claim or is otherwise known or believed to have substantial discoverable information about the claims or defenses:
- a. Scott Hand, 99 Restaurant and Pub, Lowell, MA, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiffs' complaint and the various defenses raised by defendants. Hand would have knowledge of his harassment of the plaintiffs and the corporate defendants' response to complaints of harassment. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number;
 - b. Jack Craig has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Craig would have knowledge concerning the plaintiffs' informal complaints, the corporate defendants' response to complaints, and the policies and practices of the corporate defendants. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number;
 - c. Kendra Larkin has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Defendants already have been provided with detailed information concerning Larkin's allegations;
 - d. Amy Favalaro, 10 Tower Street, Somerville, MA 02143 has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Her telephone number may be (978) 761-1729. Favalaro would have knowledge of incidents she witnessed while working at the Ninety Nine Restaurant and Pub, including discriminatory treatment engaged in by Scott Hand.
 - e. Adam Jones, 56 Allen Street, Leominster, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Defendants are in possession of Jones' allegations of discrimination. His telephone number may be (978) 609-1151.

- f. Kristen Timrick, Leominster, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Her telephone number may be (978) 660-8972 (probably no longer valid) or (978) 660-0345. Timrick has knowledge of harassment engaged in by Scott Hand and regarding the work environment maintained by Hand and the defendants. As a current or former employee of the corporate defendants, they are in possession of information concerning this witnesses' address and telephone number
- g. Cheryl Whitney, has or may have knowledge regarding the corporate defendants, the details alleged in plaintiff's complaint and the various defenses raised by defendants. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number;
- h. Charlie Noyse, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number;
- i. Steven McGovern, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number.
- j. Marriane I/n/u (possibly Grant), Fitchburg, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Her telephone number may be (978) 343-6616.
- k. Jill I/n/u., (possibly Nicholson or Nickerson) Fitchburg or Asbhy, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Her telephone number may be (978) 342-2284 or (978) 386-5365.
- l. Sue Jones, Maine or Fitchburg, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Her telephone number may be (207) 990-1378. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number.
- m. Holly I/n/u, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. Her telephone number may be (978) 368-6930. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number.
- n. Laura Snyder, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various

defenses raised by defendants. Laura Snyder is believed to live in Maine. As a current or former employee of the corporate defendants, they are in possession of this witnesses' address and telephone number.

- o. Debbie Morgan, Textures Hair Studio, Fitchburg, MA 01420, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants. He phone number may be (978) 343-5906.
- p. Bob Luz, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- q. Lauren Reedy, Fitchburg or Billerica, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- r. Marcy McGean (sp?), New York City, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- s. Marcy Thibeau, Fitchburg or Leominster, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- t. Cathy Campbell, Fitchburg, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- u. Sherri Blackler, (978) 878-4151, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- v. Grace Trevers, 47 Holt Street, Fitchburg, MA (978) 345-4147
This health care provider may have information concerning Comeau's health as it relates to this case.
- w. Donna Allen, 47 Holt Street, Fitchburg, MA (978) 345-4147
This health care provider may have information concerning Comeau's health as it relates to this case.
- x. Iris Sullivan, MD, Parkhill Family Practice, Fitchburg, MA
This health care provider may have information concerning Comeau's health as it relates to this case.
- y. Chris Comeau, 989 Turnpike Road, New Ipswich, NH 03071.
This family member of Comeau may have information concerning Comeau's injury from the harassment and discrimination she experienced.
- z. Rick Humme, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
- aa. Mark Campbell, Fitchburg, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.

- bb. Mellissa Linde, Townsend, has or may have knowledge regarding the corporate defendant, the details alleged in plaintiff's complaint and the various defenses raised by defendants.
 - cc. Such other witnesses and employees of the defendants as shall be determined in the course of discovery.
 - dd. Any witnesses identified by defendant or co-plaintiff Kendra Larkin.
3. All opposing parties, and all officers, directors, and employees of opposing parties, from whom statements have been obtained by or on behalf of the claimant regarding the subject matter of the claim:
- a. Statements were made by Kendra Larkin, Amy Favaloro, Adam Jones, Kristen Timrick, Marriane I/n/u.
4. All governmental agencies or officials known to the claimant or the claimant's attorney to have investigated the transaction or occurrence giving rise to the claim.
- a. An investigation was initiated at the MCAD pursuant to the charges of discrimination filed by Comeau and Larkin at the EEOC and MCAD.

Plaintiff reserves the right to amend and supplement this statement. Plaintiff refers the defendants to the documents already produced or produced herewith.

The above is true and correct to the best of my knowledge, information and belief.
Signed under the penalties of perjury.

DATE:

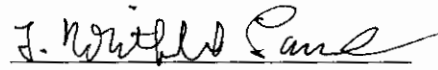
9/26/05

Brenda Comeau
Brenda Comeau

Certificate of Service

I, J. Whitfield Larrabee, hereby certify that I served a copy of the above document, Plaintiff Brenda Comeau's Disclosure Pursuant to Local Rule 26.1(B)(1), by hand on counsel for the defendants.

Dated: October 4, 2005


J. Whitfield Larrabee